

FILED

2008 OCT 15 PM 12:04  
CLERK  
DISTRICT COURT  
NORTHERN DISTRICT  
OF INDIANA

# UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA

Michael D. Alexander )

PLAINTIFF )

(Type or print your name on the line above) )

v. )

Sheldon Scott )

DEFENDANT )

(Type or print only the name of the first )  
person you are suing. List everyone you )  
are suing on page 2.) )

Cause No. 3:08CV 464

(Leave this blank, the clerk will  
supply the cause number when  
your case is received.)

## PRISONER COMPLAINT 42 U.S.C. § 1983

### I. PARTIES

A. PLAINTIFF (You are the plaintiff in this lawsuit. Neatly print or type your information below.)

1. Michael Derrick Alexander 268454  
Name: First Middle Last Offender Number

2. Where are you being held: St. Joseph County  
(name the prison or jail where you are incarcerated)

3. What is the address: 401 W. Sample

4. Did the things that you are suing about happen in the place listed above:

☐ YES, it happened here in the same facility I am being held at today.

☒ NO, it happened at 1500 block of W. Lincolnway

5. Did the things that you are now suing about, happen:

☒ before you were confined, or

☐ when you were confined awaiting trial, or

☐ after conviction while confined serving a sentence.

B. DEFENDANT(S) How many defendants are you suing: 4

(The defendants are the people you are suing. Print or type the defendant's name, job title, the state or local government agency the defendant works for, and the address of that government agency. Remember to include the defendant you named in the caption on page one. If you are suing more than one defendant, number them.)

#	Defendant's Name	Job Title/Government Agency	Work Address
1.	Sheldon Scott	S.B. Police/S.B.P.D.	701 W. Sample
2.	Randal Goering	S.B. Police/S.B.P.D.	701 W. Sample
3.	Ryan O'Neill	S.B. Police/S.B.P.D.	701 W. Sample
4.	S.B.P.D.	Police Department	701 W. Sample

## II. GRIEVANCE PROCEDURE

A. Is there a prisoner grievance system that would allow you to file a grievance about the things you are suing about?

☐ YES ☒ NO

B. If yes, did you file a grievance about the things you are suing about?

☐ YES (Attach the response from the final step of the grievance process.)

☒ NO (Explain why you did not file a grievance.) There is no way to

file a grievance while incarcerated

### III. CAUSE(S) OF ACTION WITH SUPPORTING FACTS

Write why you are suing each defendant. Write who, what, when, where, and how you believe your rights were violated. It is VERY IMPORTANT that you use each defendant's name in describing what happened to you. If you do not write what each defendant did, the court will not know why you are suing and that defendant will be dismissed.

Explain what constitutional or federal law right, privilege or immunity each defendant violated. Do not cite or quote cases or statutes. If you want to make legal arguments or citations, you must file a separate memorandum of law. Do not attach it to this complaint.

Write a new paragraph for each violation. Name each defendant involved in that violation.

Number your paragraphs.

1. On the day of 7/22/08 I was riding my bike east leaving Adams Street gas station when suddenly I was stopped by a police officer later known as Sheldon Scott for a vandalism dispatch. This information I later learned after reading Officer Scott's report.
2. Officer Scott jumped out of his car immediately using excessive force grabbing me then applying a choke hold forcing me to the ground.
3. Then another officer later known as Randall Goering comes out of nowhere and starts to taze me four times while Officer Scott continued to apply his choke hold until I passed out.
4. After regaining consciousness I felt multiple blows to my head and my back by another officer later known as Ryan O'Neill.
5. Once I was placed in hand restraints I could hear and see them laughing about how I was flopping like a fish while being tazed.

Cause(s) of Action with Supporting Facts (continued)

6. Then I stated you think that this is funny.

Then officer Scott and officer Goering replied "Oh we didn't beat your ass, if we wanted to we would have beat your ass."

7. Then I was placed in a squad car and transported to St. Joseph County jail with multiple charges possession of marijuana, public intoxication, resisting law enforcement.

8. I am scared for my well being because I see other people beat up or even death and everything is justified. I'm scared for my life because I know the police will be out to get me when I'm released.

#### IV. PREVIOUS LAWSUITS

Have you ever sued anyone for the same things you wrote about in this complaint? ☒ NO ☐ YES - [Print or type the following information about the case. Attach additional sheets if there is more than one prior case.]

Court: \_\_\_\_\_

Judge: \_\_\_\_\_ Docket Number: \_\_\_\_\_

Date filed: \_\_\_\_\_ Date closed: \_\_\_\_\_

#### V. RELIEF

Write exactly what you want the court to do for you. This court cannot order that a defendant be fired, investigated, or criminally prosecuted.

NOTE: A lawsuit filed on this form cannot restore good time, expunge your record or get you released from custody. For this type of relief, you must file a Habeas Corpus case under 28 U.S.C. § 2254.

I would like to be compensated for pain and suffering.

I would like to be compensated \$200,000 from the City of South Bend.

I would like to be compensated \$150,000 from Sheldon Scott.

I would like to be compensated \$100,000 from Randal Goering.

I would like to be compensated \$150,000 from Ryan Oneill.

VI. VERIFICATION AND SIGNATURE

**Initial Each Statement and Sign at the Bottom**

MA I have included two properly completed summons forms (available from the clerk) for each defendant I am suing, including full name, job title and work address.

MA I have included one properly completed process receipt and return form (USM-285) (available from the U.S. Marshal) for each defendant I am suing.

MA In addition to this complaint with an original signature, I have included one copy of this complaint for each defendant and one extra for the court.

MA I have included full payment of the filing fee **OR** attached a properly completed prisoner petition to proceed *in forma pauperis* (available from the clerk) with a copy of my prison trust fund account statement for the six months preceding the filing of this case.

MA I agree to promptly notify the clerk of any change of address.

MA I have read all of the statements in this complaint. *(Do not forget to keep a copy for your records.)*

MA I declare under penalty of perjury that the foregoing is true and correct.

Signed this 7 day of October, 2008.

Michael D. Alexander  
Your Signature

Mail all of these papers to: South Bend Division Clerk's Office  
204 S. Main Street  
South Bend, IN 46601